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2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 Pacira Pharmaceuticals, Inc.,

Case No. 2:21-cv-02241-CDS-DJA

7 Plaintiff,

Order

8 v.

9 Research Development Foundation,

10 Defendant.
11

12 Before the Court is Plaintiff Pacira Pharmaceuticals, Inc.’s emergency motion to continue
13 the hearing set for October 31, 2022. (ECF No. 77). Defendant Research Development
14 Foundation filed a response. (ECF No. 78). Because the Court finds good cause to continue the
15 hearing, it grants Plaintiff’s motion and moves the hearing to **November 16, 2022 at 10:30 AM.**

16 **I. Discussion.**

17 Under Local Rule 26-3, “[a] motion or stipulation to extend any date set by the discovery
18 plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-
19 1, be supported by a showing of good cause for the extension.” Here, the Court finds that
20 Plaintiff has demonstrated good cause because its lead counsel will be engaged in preparations for
21 a previously scheduled arbitration trial on October 31, 2022. (ECF No. 77 at 2). While
22 Defendant challenges Plaintiff’s desire to have its lead counsel present at this Court’s hearing,
23 whether Plaintiff’s counsel is necessary at a hearing is not a decision Defendant can make.
24 Additionally, Plaintiff requests only a modest extension of a little over two weeks. (*Id.*). The
25 Court acknowledges Defendant’s concern that it will continue to incur discovery expenses while a
26 decision on its motion to stay discovery is pending. But on balance, that prejudice does not
27 overcome the prejudice to Plaintiff of being unable to rely on its lead counsel at a hearing. The
28 Court thus grants Plaintiff’s motion.

1 **IT IS THEREFORE ORDERED** that Plaintiff's emergency motion to continue the
2 Court's hearing (ECF No. 77) is **granted**. The hearing previously set for October 31, 2022 is
3 rescheduled for **November 16, 2022 at 10:30 AM**. The Court will update the parties regarding
4 the courtroom in which the hearing will be held through a docket entry before the hearing.

5
6 DATED: October 20, 2022



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE